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Delhi High Court’s Proactive Trademark Protection: Delhivery Case And The Fight Against Brand-based Fraud In The Digital Economy

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Introduction

In an era where commercial transactions, franchising models, and consumer interactions are increasingly driven by digital platforms, the misuse of established brand identities has emerged as a serious threat to both businesses and consumers. Well-known trademarks today do not merely signify origin; they represent trust, goodwill, and market credibility built over years. When such trademarks are misappropriated for fraudulent activities, the harm extends beyond private commercial loss and enters the scope of public deception.

Against this backdrop, the Delhi High Court's interim order dated 22 January 2026 in CS(COMM) 61/2026 in favour of Delhivery Limited assumes critical importance. The Court, acting swiftly, restrained unknown individuals from misusing Delhivery's registered trademarks and copyright to run a fake franchise and delivery scam. The order protects the brand owner and sends a strong message against sophisticated impersonation frauds that exploit consumer trust.

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Delhivery and the Value of Brand Goodwill

Delhivery Limited has emerged as one of India's largest logistics and supply-chain service providers, catering to e-commerce companies, small businesses, and individual consumers across the country. With revenues reaching ?87,088.33 million in the financial year 2024-25 and presence in every state serving more than 18,700 pin codes, the company has built an extensive nationwide network. Over time, the "DELHIVERY" mark has acquired significant recognition, distinctiveness, and commercial goodwill in the logistics sector.

In trademark jurisprudence, such goodwill is a legally protectable asset. The stronger and more recognisable the mark, the greater the likelihood that unauthorised use will mislead consumers. This case demonstrates how the very success of a brand can make it vulnerable to exploitation by fraudsters seeking to capitalise on public trust.

Genesis of the Dispute: Fake Franchise and Impersonation Scam

The dispute arose when Delhivery discovered that several individuals were falsely projecting themselves as authorised representatives, franchise partners, or distributors of the company. These individuals allegedly approached unsuspecting members of the public with sham franchise offers and delivery service proposals, collecting money under the guise of legitimate business arrangements.

What distinguished this case from routine trademark infringement was the organised and deceptive nature of the conduct. The case was filed against multiple defendants, including "John Doe/Ashok Kumar" (Defendant No. 1), reflecting the difficulty in identifying perpetrators in digital fraud schemes. The defendants allegedly:

- Used identical or deceptively similar versions of Delhivery's registered trademarks;
- Created misleading domain names such as delhiverydistibutars.com and delhiverypartner.com;
- Circulated fabricated franchise documents and communications to lend authenticity to the scam.

Such actions, Delhivery argued, were not isolated infringements but part of a concerted scheme to siphon money by impersonating a trusted corporate entity.

The case involved a comprehensive defendant structure spanning 16 parties, including the direct perpetrators (Defendants 1-6), banks holding fraudulent accounts (Defendants 7-8), NPCI as the UPI authority (Defendant 9), telecom service providers (Defendants 10-11), the Ministry and Department of Telecommunications (Defendants 12-13), and domain name registrars (Defendants 14-16). This multi-defendant approach enabled the Court to address the fraud from multiple angles simultaneously.

Legal Grounds Invoked by Delhivery

Delhivery approached the Delhi High Court seeking urgent interim relief on multiple legal grounds:

1. Trademark Infringement under the Trade Marks Act, 1999, on account of unauthorised use of identical or deceptively similar marks.
2. Passing Off, as the defendants were misrepresenting their services as being associated with Delhivery, thereby exploiting its goodwill.
3. Copyright Infringement, due to unauthorised reproduction of branding and promotional material.
4. Irreparable Harm, both to Delhivery's reputation and to consumers being financially defrauded.

The company emphasised that ordinary remedies would be inadequate given the speed at which digital fraud operates and sought an ex parte interim injunction to prevent further damage.

Court's Analysis: Deceptive Similarity and Consumer Confusion

Justice Jyoti Singh, while considering the matter at the prima facie stage, placed significant emphasis on the likelihood of confusion. The Court observed that the marks adopted by the defendants were identical or deceptively similar to Delhivery's registered trademarks, leaving little room for doubt regarding the intent behind their adoption.

Crucially, the Court noted that both Delhivery and the defendants operated within the same trade channels and consumer ecosystem. This overlap substantially increased the probability that consumers and potential franchisees would assume an association between the defendants and Delhivery. In trademark law, such confusion strikes at the very foundation of brand identity and consumer trust.

Passing Off as a Tool of Fraud

The Court's reasoning reinforces an important doctrinal point: passing off is not merely a commercial tort but can also function as an instrument of fraud. By presenting themselves as Delhivery affiliates, the defendants were not simply competing unfairly; they were actively deceiving the public for monetary gain.

This approach aligns with the evolving understanding of trademark law in India, where courts increasingly recognise that infringement and passing off can have wider societal consequences, particularly in digitally mediated fraud schemes.

Grant of Ex Parte Interim Injunction

Having found a strong prima facie case, the Court granted an ex parte interim injunction, holding that delay would only compound the harm. The balance of convenience clearly favoured Delhivery, and the continued misuse of its marks posed a risk of irreparable damage that could not be adequately compensated through damages alone.

Statutory provisions

1. **Section 14 of the Copyright Act, 1957**, which recognises the exclusive rights of a copyright owner over the literary works. Delhivery's franchise prospectus and related materials qualified as a protected literary work under this provision.
2. **Section 51 of the Copyright Act, 1957,** states the unauthorised reproduction and the circulation of Delhivery's copyrighted content by the defendants amounted to the infringement of Delhivery's literary work as defined under this section.
3. **Section 28 of the Trade Marks Act, 1999,** grants exclusive rights to the registered proprietor of a trademark. In the present case also, Delhivery relied on this section for the ex parte injunction by asserting its exclusive right over the "DELHIVERY" mark and to restrain unauthorised use by the third parties.

4. **Section 29 of the Trade Marks Act, 1999**, defines trademark infringement where an identical or deceptively similar mark is used in relation to identical services. The defendants' use of similar marks and domain names for logistics and franchise services attracted infringement under this provision due to likelihood of confusion and deception.

Scope of the Court's Directions

1. **Restraint on Trademark Usage**

The defendants were categorically restrained from using Delhivery's trademarks or any deceptively similar marks in any form or variant and through any mode, including use in emails, letterheads, franchise letters, agreements, domain names, or digital platforms, in any manner whatsoever. This wide-ranging prohibition reflects judicial awareness of the multiple channels through which brand misuse can occur today.

2. **Suspension of Infringing Domain Names**

Recognising the role of the internet in enabling the scam, the Court directed domain name registrars to suspend and lock the infringing domain names, including:

- www.delhevery.com (Defendant No. 14/NameMart Pte. Ltd.)
- delhiverycourierfranchise.com (Defendant No. 15/HOSTINGER operations, UAB)
- delhiverydistibutars.com and delhiverypartner.com (Defendant No. 16/Domainshype.com, LLC)

This step was crucial in dismantling the digital infrastructure of the fraudulent operation.

3. **Disclosure by Telecom and Financial Institutions**

In a significant move, the Court ordered telecom service providers to disclose the complete particulars of the defendants, including full names, email addresses, and residential details linked to specific phone numbers used in the fraud. Banks were further directed to furnish KYC information and block or suspend accounts linked to the fraudulent activity, including specific account numbers held with Defendants No. 7 and 8. These directions demonstrate the Court's readiness to involve third-party intermediaries in effective enforcement.

4. **Payment and regulatory authorities**

The Court also directed Defendant No. 9, the umbrella retail payments and settlement authority, to furnish complete KYC-style particulars of Defendants 1 to 6, such as their full names, email addresses, residential addresses and related details, to enable identification of the individuals behind the fraudulent activity.

Broader Legal and Policy Implications

This judgment reflects a broader trend in Indian IP jurisprudence where courts are adopting technology-responsive remedies. Traditional injunctions are now supplemented with domain suspensions, account freezes, and disclosure orders, ensuring that legal protection keeps pace with modern fraud techniques.

For businesses, the decision highlights the importance of proactive brand monitoring and swift legal action. For consumers, it reinforces judicial commitment to protecting the public from brand-based deception.

Conclusion

The Delhi High Court's interim order dated 22 January 2026 in favor of Delhivery Limited in CS(COMM) 61/2026 marks a decisive step in strengthening trademark enforcement against digital impersonation and franchise frauds. By recognizing the intersection of trademark misuse, consumer deception, and financial fraud, the Court has reinforced the protective function of intellectual property law in India's evolving commercial landscape.

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